

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PHILLIP SAYLES,

Petitioner,

v.

JAMES LOY, *Secretary Dept. of Homeland
Security*, ET AL.,

Respondents.

ORDER
07-CV-483S

1. On July 26, 2007, this Court received Petitioner Phillip Sayles's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, which had initially been filed with the United States Court of Appeals for the Second Circuit. In his Petition, Petitioner seeks immediate release from continued administrative detention pending his removal from the United States, and an Order declaring that he is entitled to a certificate of citizenship from the United States Citizenship and Immigration Services.

2. On May 8, 2009, Respondents filed a Motion to Dismiss the Petition on the grounds that it is now moot. (Docket No. 28.) In particular, Respondents assert (and Petitioner agrees, see, e.g., Docket 21) that Petitioner was released from administrative detention on October 16, 2008, and received a certificate of citizenship from the United States Citizenship and Immigration Services on March 13, 2009. (Mitchell Aff., ¶¶ 6, 7 and Exhibit A.)

3. Because Petitioner has already received the relief he requests in this Court, the Petition for Writ of Habeas Corpus is moot and will be dismissed.

IT HEREBY IS ORDERED, that Respondents' Motion to Dismiss (Docket No. 28) is GRANTED.

FURTHER, that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is DISMISSED as moot.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: May 15, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge